

IN THE DISTRICT COURT OF THE UNITED STATES
DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

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UNITED STATES OF AMERICA)
)
 vs.)
)
 JAMMY MILLER)
)

CRIMINAL NO.: 4:11-2255

PRELIMINARY ORDER OF FORFEITURE
AS TO JAMMY MILLER

1. On October 25, 2011, a federal grand jury in this district returned an Indictment against the defendant, Jammy Miller ("Miller", "Defendant"), charging him with operating an illegal gambling business, in violation of 18 U.S.C. 1955.

2. The Indictment provided that upon Miller's conviction, certain property enumerated therein, or equivalent substitute assets, would be subject to forfeiture to the United States pursuant to 18 U.S.C. §§ 981(a)(1)(C) and 1955(d) and 28 U.S.C. § 2461(c). The forfeitable property is identified as follows:

Cash/E-Trade Account:

- a. \$51,194.81 in U.S. Currency
Seized from: (E-Trade Account)
Account #: 636-19010 in Jammy Miller's name
Asset ID #: 12-USS-000009
- b. \$11,780 in U.S. Currency
Seized from: The computer table in Jammy Miller's residence
Asset ID #: 12-USS-000010
- c. \$7,600 in U.S. Currency
Seized from: The file cabinet in Jammy Miller's residence
Asset ID #: 12-USS-000011

- d. \$146,679 in U.S. Currency
Seized from: The safe in the master bedroom
in Jammy Miller's residence
Asset ID #: 12-USS-000012

Vehicles:

1. 1999 Chevy Silverado Truck
1GCEC14T3XZ104723
Tag: DFW988
Registered to: Jammy Miller
Asset ID #: 12-USS-000018
2. 2000 Dodge Ram Truck
3B7H13Z0YG162428
Tag: FRS31
Registered to: Jammy Miller
Asset ID #: 12-USS-000019
3. 2001 Chevy Corvette
1G1YY22G115130965
Tag: BLP237
Registered to: Jammy Miller
Asset ID #: 12-USS-000020
4. 2005 BMW LI 745
WBAGN63535DS58066
Tag: DFW989
Registered to: Jammy Miller
Asset ID #: 12-USS-000021

Personal Property:

1. HP Pavilion Tower, S/N MXX7230H6P
Seized from: Jammy Miller's residence
Asset ID #: 12-USS-000022
2. HP Laptop, S/N CNC94424NC
Seized from: Jammy Miller's residence
Asset ID #: 12-USS-000438

3. On November 4, 2011, a Bill of Particulars was filed with the court regarding property alleged in the Indictment filed October 25, 2011, as also being subject to forfeiture to the United States. Such property includes:

Cash

- e. \$4,020 in U.S. Currency
Seized from: Jammy Miller
Asset ID #: 12-USS-000439
- f. \$164.00 in U.S. Currency
Seized from: Jammy Miller's truck
Asset ID #: 12-USS-000440

4. On February 15, 2012, Miller pled guilty to operation of an illegal gambling business, in violation of 18 U.S.C. § 1955.

5. Based upon Miller's conviction, and other matters appearing in the record, the court has determined that the below-described property is subject to forfeiture, in that such property is derived from or traceable to proceeds in violation of 18 U.S.C. § 1955. The court finds that Miller has an interest in such property, and that the property is subject to forfeiture to the United States pursuant to 18 U.S.C. §§ 981(a)(1)(c) and 1955(d), and 28 U.S.C. § 2461(c)

6. The court has further determined that the government has established the requisite nexus between the said property subject to forfeiture and the offense for which Miller has been convicted; therefore, the property shall be forfeited to the United States, subject to the provisions of 21 U.S.C. § 853(n) governing third party rights.

7. The court further finds that the United States is entitled to a judgment of forfeiture and possession of the property pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

Accordingly, it is hereby ORDERED, ADJUDGED AND DECREED:

1. All right, title and interest of the Defendant, Jammy Miller, in and to the following property, is hereby forfeited to the United States of America for disposition in accordance with law, subject to the provisions of 21 U.S.C. § 853(n):

Cash/E-Trade Accounts:

- a. \$51,194.81 in U.S. Currency
Seized from: (E-Trade Account)
Account #: 636-19010 in Jammy Miller's name
Asset ID #: 12-USS-000009
- b. \$11,780 in U.S. Currency
Seized from: The computer table in Jammy Miller's residence
Asset ID #: 12-USS-000010
- c. \$7,600 in U.S. Currency
Seized from: The file cabinet in Jammy Miller's residence
Asset ID #: 12-USS-000011
- d. \$146,679 in U.S. Currency
Seized from: The safe in the master bedroom
in Jammy Miller's residence
Asset ID #: 12-USS-000012
- e. \$4,020 in U.S. Currency
Seized from: Jammy Miller
Asset ID #: 12-USS-000439
- f. \$164.00 in U.S. Currency
Seized from: Jammy Miller's truck
Asset ID #: 12-USS-000440

Vehicles:

- 1. 1999 Chevy Silverado Truck
1GCEC14T3XZ104723
SC Tag: DFW988
Registered to: Jammy Miller
Asset ID #: 12-USS-000018

2. 2000 Dodge Ram Truck
3B7H13Z0YG162428
SC Tag: FRS31
Registered to: Jammy Miller
Asset ID #: 12-USS-000019
3. 2001 Chevy Corvette
1G1YY22G115130965
SC Tag: BLP237
Registered to: Jammy Miller
Asset ID #: 12-USS-000020
4. 2005 BMW LI 745
WBAGN63535DS58066
SC Tag: DFW989
Registered to: Jammy Miller
Asset ID #: 12-USS-000021

Personal Property:

1. HP Pavilion Tower, S/N MXX7230H6P
Seized from: Jammy Miller's residence
Asset ID #: 12-USS-000022
2. HP Laptop, S/N CNC94424NC
Seized from: Jammy Miller's residence
Asset ID #: 12-USS-000438

2. Upon entry, this Order becomes final as to Miller, and shall be made a part of his sentence and included in the criminal judgment;

3. The United States shall publish notice of this Order and its intent to dispose of the property in such manner as the Attorney General may direct. The United States may also, to the extent practicable, provide written notice to any person known to have an alleged interest in the said property;

4. Upon entry of this Order, the United States Secret Service or their designee is authorized to seize the above-described forfeited property as directed by

the United States Attorney's Office and to commence proceedings that comply with statutes governing third party rights;

5. Any person, other than the named Defendant, asserting a legal interest in the subject property may, within thirty days of the final publication of notice or receipt of notice, whichever is earlier, petition the court for a hearing without a jury to adjudicate the validity of his alleged interest in the subject property and for an amendment of the order of forfeiture, pursuant to 21 U.S.C. § 853(n)(6) and Fed. R. Crim. P. 32.2(c);

6. Any petition filed by a third party asserting an interest in the above-described property shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title, or interest in the subject property, the time and circumstances of the petitioner's acquisition of the right, title or interest in such property, and additional facts supporting the petitioner's claim and the relief sought;

7. After the disposition of any motion filed under Fed. R. Crim. P. 32.2(c)(1)(A) and before a hearing on the petition, discovery may be conducted in accordance with the Federal Rules of Civil Procedure upon a showing that such discovery is necessary or desirable to resolve factual issues;

8. The United States shall have clear title to the property following the court's determination of all third party interests, or, if no petitions are filed, following the expiration of the period provided in 21 U.S.C. § 853(n)(2) for the filing of third party petitions;

9. The court shall retain jurisdiction to resolve disputes which may arise and to enforce and amend this Order as necessary, pursuant to Fed. R. Crim. P. 32.2(e);

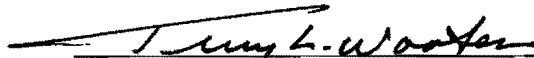
10. The Clerk, U.S. District Court, shall provide one (1) certified copy of this Order to the United States Attorney's Office.

AND IT IS SO ORDERED.

Sealed

March 19, 2012

Florence, South Carolina


TERRY L. WOOTEN
UNITED STATES DISTRICT JUDGE